

BOARD OF APPEALS CASE NO. 3189 *

BEFORE THE

APPLICANT: Whiteford Packing Company*

ZONING HEARING EXAMINER

REQUEST: Variance to create a lot *
without the required 25 feet of road
frontage; 2612 Whiteford Road, Whiteford *

OF HARFORD COUNTY

HEARING DATE: June 5, 1985 *

Hearing Advertised
Aegis: 5/2/85 & 5/9/85
Record: 5/1/85 & 5/8/85

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Whiteford Packing Company. The Applicant is requesting a variance to create a lot around an existing dwelling without the required 25 feet of road frontage, pursuant to Section 25-5.2(c) of the Zoning Code.

The subject parcel is located at 2612 Whiteford Road in the Fifth Election District. The total parcel contains 353 acres, and the Applicant is proposing to subdivide two (2) acres from the parcel in order to convey an existing dwelling.

Mr. William Hanna appeared and testified that he is the President and General Manager of Whiteford Packing Company. The witness said that the parcel contains a two and one-half story brick home, which was originally constructed in the 1700's, and a new addition constructed in approximately 1856. Mr. Hanna testified that Whiteford Packing Company wishes to create a two (2) acre parcel around the existing dwelling to be connected by a common right-of-way to Whiteford Road. At the present time, the right-of-way services property owned by Leslie Lawson, property owned by Mr. and Mrs. William Hanna, the Whiteford Packing Company's plant, and if granted, the proposed lot. Mr. Hanna said that the lot will be approximately 1100 feet from the highway and to create a 25 foot panhandle would cause a hardship on the Whiteford Packing Company, as well as the purchaser of the proposed lot, since there is already an existing right-of-way, which Mr. Hanna said will be maintained by the Whiteford Packing Company. Mr. Hanna also testified that the granting of the variance would not be detrimental to adjoining property owners, nor would the variance materially impair the purpose of the Zoning Code.

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No protestants appeared in opposition to the Applicant's request, and the Staff Report recommends conditional approval.

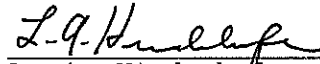
CONCLUSION:

It is the finding of the Hearing Examiner that the proposed parcel is historically significant and, therefore, unique because of the age of the existing dwelling, which dates to the 1700's. Further, it is the finding of the Hearing Examiner that it would cause a hardship on the Whiteford Packing Company, Inc. to require them to create an 1100 foot panhandle, which would serve no functional purpose since Mr. Hanna, the President of Whiteford Packing Company, has testified that the purchaser of the proposed parcel by deed will be given the right to use the existing right-of-way.

Therefore, the requested variance is hereby granted, subject to the following conditions:

1. That the Applicant prepare and record a subdivision plat.
2. That the Deed of the purchaser of the proposed lot set forth that the residents of the parcel have a right to use the existing right-of-way.

Date June 27, 1985



L. A. Hinderhofer
Zoning Hearing Examiner